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SUBJECT: KAZAKHSTAN: ALMATY NOTES, MARCH 2007

REF: Almaty 204

¶1. The "Almaty Notes" series is intended to maintain focus on developments in civil society, the media, and the opposition in Kazakhstan's "southern capital" following the move of the Embassy to Astana.

Chechen-Kazakh Conflict in Kazatkom Village

¶2. On the night of March 17 in the settlement of Malovodnoye, just outside of Almaty, two young men, a Chechen and a Kazakh, got into a quarrel in a billiard hall. The Chechen's cousin, Takhir Makhmakhanov, later arrived to help his relative. According to an Interior Ministry press release, Takhir Makhmakhanov shot and wounded B. Salimbayev in the leg and struck Salimbayev with his car. Salimbayev was hospitalized. Interfax reported that on March 18, Salimbayev's relatives and friends came to the village of Kazatkom to confront the Makhmakhanovs. As the group was approaching the farmstead, three Makhmakhanov brothers opened a fire. The mob threw stones at them and broke into the yard. The brothers were captured and beaten by unidentified individuals. A house and a car were burned and three cars and a bus were damaged. The police took away the family members and placed them under protection. As a result of the incident two participants were shot dead, three died of bodily injuries, and four found were hospitalized. The investigation continues.

¶3. In a March 26 interview with the Megapolis weekly, two of the Makhmakhanov brothers, Sado and Ruslan, maintained that the incident at the billiard hall could not have been the cause of the conflict. The brothers claimed that someone who knew the whole family could be found at the house on Sundays organized a "pogrom" to deal with the brothers.

¶4. The Makhmakhanovs were a large family of 11 brothers and four sisters. As a result of this conflict three brothers died, including Khajimurat Makhmakhanov, Director of the Executive Department under the Supreme Court and Deputy to Almaty City Chief Bailiff. (Note: By virtue of his position he had been a key prosecution witness in the Shanyrak trial.) The Megapolis weekly, citing the Russian web site www.sartraccc.sgp.ru, reported on March 26 that one of the brothers, Shamil Makhmakhanov, was the leader of an organized crime ring. In a conversation with the Megapolis correspondent, some of Kazatkom residents complained that Makhmakhanovs were thugs and thieves who harassed them by seizing their land and cattle.

Trial of Opposition Leader Bulat Abilov Continues

¶5. The Almalinskiy district court in Almaty continues to hear the

case against True Ak Zhol co-chairman Bulat Abilov. At a hearing on February 26, three of the 18 "victims" withdrew their claims against Abilov and his two business partners. In a press release, Abilov noted that a total of 700 individuals had filed complaints against him and his partners. He suggested that the court should call only the 200 "victims" from Almaty to testify, in order to speed up the trial and alleviate transportation problems. (True Ak Zhol press release, February 26)

New Opposition Biweeklies

¶6. The True Ak Zhol political party has started publishing two new newspapers, "Free Kazakhstan" in Russian and "Bostandyk Zharshysy" (Freedom Herald) in Kazakh. Both papers are biweeklies. (True Ak Zhol press release, February 21)

Rakhat Aliyev Sues Wives of Nurbank Managers

¶7. Presidential son-in-law Rakhat Aliyev filed libel suits against Armankul Kapasheva and Nazira Bazarbayeva, wives of the two Nurbank managers embroiled in a dispute with Aliyev. The Medeu district court in Almaty held the first hearing on the case against Mrs. Kapasheva, wife of Zholdas Timraliyev, former deputy chairman of Nurbank, on March 1. In early February, Kapasheva and Bazarbayeva, wife of former chairman of Nurbank, accused Aliyev of "depriving their husbands of freedom." In response, Aliyev filed lawsuits against Kapasheva and Bazarbayeva seeking one million tenge (about \$8,000) in moral damages from each of them. (Kazakhstan Today news agency, March 1, 2007)

¶8. At a February 5 press conference, Kapasheva stated that her

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husband Zholdas Timraliyev had been missing since he left his home on January 31 for a meeting with Aliyev and the new chairman of Nurbank. According to Kapasheva, two weeks before that Aliyev allegedly abducted the former chairman of the bank Abilzhan Gilimov and her husband and tortured him in a private sauna. (Svoboda Slova and Delovaya Nedelya, March 1)

¶9. Timraliyev is still missing. Gilimov was arrested on February 14 and since then has been held in Almaty pre-trial detention house. According to Almaty Financial Police Chief V. Kurbatov, both Gilimov and Timraliyev have been accused of illegal entrepreneurship, abuse of power and inciting a conflict between Almaty police and the bank security.

Journalist Toguzbayev Loses Appeal

¶10. On March 2, the Almaty City Court examined an appeal filed by journalist Kazis Toguzbayev. Toguzbayev was appealing the January 22 ruling of the Bostandyk district court in Almaty which found him guilty of insulting President Nazarbayev's dignity and honor and gave him two years suspended sentence. The city court rejected the appeal as ungrounded and confirmed the district court ruling. (www.kub.kz, March 3)

Social-Democrats to Participate in Maslikhat Elections

¶11. In a March 3 interview with TV Channel-31, the leader of Social-Democratic Party Zharmakhan Tuyakbay said his party was preparing to participate in this fall elections to Maslikhats (local representative bodies). Party leaders promised to return large enterprises to the people, and to raise pensions and allowances, if elected.

Working Group on Constitutional Laws

¶12. A conference called Development of Civic Society: Constitutional-Legal Support was held in Almaty on March 16. According to Professor Victor Malinovskiy, the goal of the

conference was to include leading law experts in the work of the working group on constitutional reforms established by President Nazarbayev on February 19. Nazarbayev will head the working group and Constitutional Council Chairman Igor Rogov will be his deputy. The working group will work on improving the current legislation including the laws on President' and Parliament's authorities, election system, on public associations, political parties and mass media. (Yuridicheskaya Gazeta, March 19)

¶13. In a March 16 conversation with Pol FSN, Mazhilis member Mikhail Troshchikhin expressed hope that the presidential working group on constitutional amendments would finish its work this summer, so that Parliament could pass the amendments before its recess. According to Troshchikhin, it is crucial that the fall maslikhat elections be conducted according to new rules.

Prospects for Abolishing Death Penalty

¶14. A round table "On Abolishing the Death Penalty and Joining the Rome Statute of the International Criminal Court" was held in Almaty on March 12. International participants, including Italian Ambassador Bruno Antonio Pascuino, Tanya Bayer of the German Embassy, Antonio Stanga and Marco Perduka of Hands Off Cain NGO, and Bridget Dufur of the International Helsinki Federation, urged Kazakhstan to sign optional protocols to International Covenant on Civic and Political Rights and to join the Rome Statute of the International Criminal Court. Kazakhstani officials, including MFA Ambassador-at-large Madina Dzharbusynova, Constitutional Council member Nikolay Belorukov and Chairman of the Presidential Commission on Human Rights Saginbek Tursunov, stressed step-by-step progress toward abolishing the death penalty in Kazakhstan. Belorukov said the joining to the Optional Protocol would require bringing Kazakhstani legislation in line with international standards. Dzharbusynova mentioned that in spite of different opinions in the public, the government had set up an interagency commission to examine the Second Optional Protocol to the International Covenant on Civic and Political Rights, which provides for abolishing death penalty. Participants from local NGOs also urged Kazakhstani officials to join the international covenants.

¶15. Zhemis Turmagambetova of the Charter for Human Rights NGO raised the issue of Saddam Hussein. Addressing her question to the participants from international organizations, Turmagambetova asked

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why Hussein had not been tried by the court of the Hague or another international court, and had had no opportunity to appeal the verdict. According to Turmagambetova, the reaction of Kazakhstanis to the execution of Saddam Hussein was very negative. Perduka replied that they had raised the issue with the United States, proposing to set up a special court with a mixed panel of judges from various countries, similar to the one in Sierra Leone.

School Principal Fired for Teaching Uighur History

¶16. "If there were a Uighur state today, it would include a significant part of the Almaty Oblast," a history teacher was quoted as saying in a February 9 interview in "Zhas Qazaq." The teacher, who works in a secondary school in the village of Avat, Uighur Rayon of Almaty Oblast, was quoted as saying that the territory of Almaty Oblast (then called Zhetysu), along with the Xinjiang province of China, was part of the ancient Uighur state. The correspondent speculated that the local schools were the origins of the slogan "It is Your State but It is Our Land," which touched off the scuffle between young Uighurs and Kazakhs in the village of Shelek last November (reftel).

¶17. Following this report, Mazhilis member Bekbolat Tleukhan filed an inquiry with the Ministry of Education and Science. Minister of Education and Science Zhanseit Tuymebayev responded reporting that an examination of the school in Avat village had confirmed some violations of the Ministry's regulations. "The school teacher had no right to teach this particular Uighur history citing unverified historical information. The standard curriculum does not provide

for this history course. The school administration made a political mistake by placing Uighur flag in the Uighur history class room. As a result the school principal A. Darayev was dismissed from his position." (Zhas Qazaq weekly, March 9)

Almaty Housing Scandal

¶18. In the city of Almaty, 161 cheap apartments were sold on favorable terms to businessmen, bank office workers and university lecturers, instead of to low-income individuals who do not own homes. According to the head of the City Housing Department, these people submitted forged work references which the city administration failed to check. A probe is currently underway. So far, none of the 161 apartments has been returned to state ownership, but the City Housing Department assured journalists it would be done. (AC TV channel, March 6)

¶19. The Almaty branch of the Nur Otan party convened on March 14 to discuss the violations committed during the distribution of cheap apartments. The heads of the city departments on education and housing who are in charge of the housing program and the city Maslikhat deputies were invited to the meeting. The city deputy procurator reported that the list of those who illegally received cheap apartments had grown to 220 names. The representative of the city education department reported that 15 officials had been disciplined for failure to prevent the issuance of illegal references by educational institutions. The housing department representatives promised to ensure strict examinations of support documents, and to set up another commission for the examination of applications. The Maslikhat deputies promised to support the extension of the cheap apartment campaign to three years so that every low-paid civil servant would receive an apartment. (Khabar TV channel, March 14)

Shanyrak Legalization Applications Denied

¶20. On March 11, the Bostandyk District Court in Almaty began to examine a civil suit filed against the Almaty city administration by 36 residents of the Shanyrak district. The residents were challenging the refusal of the administration to legalize their houses under the Property Legalization Amnesty Campaign. A lawyer from the Charter for Human Rights NGO represented the Shanyrak residents. A lawyer for the city administration claimed the houses were located in an area where the ground water was too close to the surface. The lawyer for Shanyrak residents maintained this was not a serious argument and the city administration had no legal grounds to refuse the legalization. The court and the city administration are deadlocked. They have no grounds to refuse the legalization, but if they satisfy these claims, then other residents from various districts of the city may begin filing similar lawsuits. (www.kub.kz, March 14)

Hunger Strike against Unfair Compensation

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¶21. Eight residents of the Bostandyk district of Almaty, whose houses are to be demolished, announced their intention to go on a hunger strike. The residents are protesting what they see as unfairly low compensation (\$35,000-43,000 per 100 square meters) offered by the Mega-Invest-Service construction company. The residents complained they would not be able to buy similar apartments in the same district for the compensation they were offered. (Kazakhstan Today news agency, March 14)

Rumors

¶22. Almaty City Mayor Tasmagambetov is rumored to be in trouble because of the conflict between his nephew, the former chairman of Nurbank, and the President's eldest son-in-law, Respublika weekly reported. According to Respublika, Chairman of the Financial Police Sarybay Kalmurzayev may replace Tasmagambetov as Almaty city mayor.

The Financial Police would be disbanded and its functions transferred to the National Security Committee and Interior Ministry. (Respublika weekly, March 16)

Establishing an Institute on Parliamentarianism?

¶23. On March 16, a workshop in Almaty discussed prospects for establishing an institute on parliamentarianism. According to Mazhilis deputies and academicians who organized the workshop, such an institute should be established in the form of an analytical and research center which will analyze draft bills, make prognoses, monitor existing legislation, publicize international parliamentary experience, and provide MPs with information and assistance. MP Johan Merkel doubted that the government would support the project because of the financing it would require.

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